REMARKS

This Amendment is being filed in response to the Final Office Action mailed April 29, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 4-17 and 19-27 remain in this application, where claims 1, 9, 11, 22, 23 and 24 are independent.

In the Final Office Action, claims 1, 6, 8-10, 22-24 and 27 are rejected under 35 U.S.C. 102(e) over U.S. Patent Application Publication No. 2003/0162556 (Libes). Further, claims 4-5 and 25-26 are rejected under 35 U.S.C. §103(a) over Libes. Claims 11-17 and 19-21 are rejected under 35 U.S.C. §103(a) over Libes in view of U.S. Patent No. 6,980,083 (Sako). Claim 7 is rejected under 35 U.S.C. §103(a) over Libes in view of U.S. Patent No. 6,130,602 (O'Toole). It is respectfully submitted that claims 1, 4-17 and 19-27 are patentable over Libes, Sako and O'Tool for at least the following reasons.

Libes is directed to a method and system for communication

between two wireless-enabled devices. Each wireless-enabled device includes a wireless handshake plug that is capable of transmitting and receiving data. When the two plugs are brought into physical proximity of each other, a communication link is established.

It is respectfully submitted that Libes does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 9, 11, 22, 23 and 24 which, amongst other patentable elements, recites (illustrative emphasis provided):

> **detecting a duration of the proximity** of the first device and the second device to each other, and establishing the link **in response to the duration exceeding** a predetermined duration and the link is not already established.

Detecting a duration **of proximity** and establishing the link in response to the duration **of proximity** exceeding a predetermined duration are nowhere disclosed or suggested in Libes. It is alleged on pages 3-7 and 9, that FIGs 23-24 of Libes disclose these features.

Applicants respectfully disagree and submit that Libes discloses that "[d]uring handshaking, one of the devices detects the magnet from the other device and begins transmitting

handshaking data via changes to the magnet's magnetic field. The magnetic field detector receives the data." (Libes, paragraph [0037], lines 5-8) Further, as specifically shown in FIG 23-24, a listening device (being one of the two Libes wireless-enabled devices) "listens for N milliseconds" and then checks to see if data has been received. If not, the listener transmits handshake data, and listens again for N seconds for reception of data responsive to the transmitted handshake data.

Upon reception of such data responsive to the transmitted handshake data, then it is determined whether the two Libes wireless-enabled devices are compatible by performing a test labeled in FIGs 23-24 as "Can the connection be created." If yes, then a connection is created.

That is, a careful review of FIGs 23-24 indicates that a connection is NOT created in response to listening for N seconds for reception of data responsive to the transmitted handshake data. Rather, the connection is created in response to reception of data and determination that a connection can be created.

There is simply no disclosure or suggestion in Libes of detecting a duration **of proximity** and establishing the link in

response to the duration **of proximity** exceeding a predetermined duration, as recited in independent claims 1, 9, 11, 22, 23 and 24. N, shown in FIGs 23-24 is not even the duration of proximity in Libes. Rather, N is merely an amount to time to listen for any received data.

Even assuming, arguendo, that N is the duration of proximity of the two Libes wireless-enabled devices, no connection or link is created in response to N exceeding a predetermined duration. Rather, the connection in Libes is created in response to reception of data responsive to a transmitted handshake data, and a determination that a connection can be created. Sako and O'Tool are cited to allegedly show other features and do not remedy the deficiencies in Libes.

Accordingly, it is respectfully requested that independent claims 1, 9, 11, 22, 23 and 24 be allowed. In addition, it is respectfully submitted that claims 4-8, 10, 12-17, 19-21 and 25-27 should also be allowed at least based on their dependence from independent claims 1, 9, 11 and 24, as well as their individually patentable elements.

In addition, Applicants deny any statement, position or

averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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